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Please type a plus sign (+) inside this box → +

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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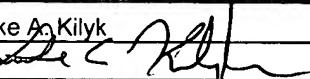
| | | | |
|---|--|-------------------------------|--------------------------|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | | Attorney Docket No. | 3620-071-01 |
| | | First Inventor | GUESS, Roy E. |
| | | Title | CARPET USING UNUSED YARN |
| | | Express Mail Label No. | EV147719058US |

| | | | |
|--|---|---|--|
| APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i> | | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | |
| 1. <input checked="" type="checkbox"/> | Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) | |
| 2. <input type="checkbox"/> | Applicant claims small entity status. See 37 CFR 1.27. | 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> | |
| 3. <input checked="" type="checkbox"/> | Specification <i>(preferred arrangement set forth below)</i> | [Total Pages] 20 | a. <input type="checkbox"/> Computer Readable Form (CRF) |
| | - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure | | b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper |
| 4. <input checked="" type="checkbox"/> | Drawing(s) (35 U.S.C. 113) | [Total Sheets] 8 | c. <input type="checkbox"/> Statements verifying identity of above copies |
| 5. <input type="checkbox"/> | Oath or Declaration | [Total Sheets] | |
| a. <input type="checkbox"/> | Newly executed (original or copy) | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | |
| b. <input type="checkbox"/> | Copy from a prior application (37 CFR 1.63 (d)) <i>(for continuation/divisional with Box 18 completed)</i> | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney | |
| i. <input type="checkbox"/> | DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | 11. <input type="checkbox"/> English Translation Document (if applicable) | |
| 6. <input type="checkbox"/> | Application Data Sheet. See 37 CFR 1.76 | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations | |
| 18 If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: | | 13. <input type="checkbox"/> Preliminary Amendment | |
| <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) | | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> | |
| Prior application information: Examiner _____ | | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> | |
| | | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. | |
| | | 17. <input checked="" type="checkbox"/> Other: Petition Under § 1.84(a)(2) w/ 3 sets of color drawings 1a-1b | |

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

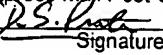
19. CORRESPONDENCE ADDRESS

| | | | | |
|---|---|-----------|----------------|--|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | 33432 <i>(Insert Customer No. or Attach bar code label here)</i> | | or | <input checked="" type="checkbox"/> Correspondence address below |
| Name | Luke A. Kilyk | | | |
| Address | Kilyk & Bowersox, P.L.L.C. 53 A East Lee Street | | | |
| City | Warrenton | State | VA | Zip Code |
| Country | USA | Telephone | 1-540-428-1701 | Fax |
| | | | | 1-540-428-1720 |

| | | | |
|-------------------|---|-----------------------------------|-------------------|
| Name (Print/type) | Luke A. Kilyk | Registration No. (Attorney/Agent) | 33,251 |
| Signature |  | Date | February 19, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 19, 2004 Label No. EV147719058 US. I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater 
Name (Print) Signature

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021904
7638 U.S.P.T.O.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**1,098.00**

| Complete if Known | |
|----------------------|-------------------|
| Application Number | Unassigned |
| Filing Date | February 19, 2004 |
| First Named Inventor | GUESS, Roy E. |
| Examiner Name | Unassigned |
| Art Unit | Unassigned |
| Attorney Docket No. | 3620-071-01 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account

Deposit Account Number

Deposit Account Name

50-0925

Kilyk & Bowersox, P.L.L.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|--------------|--------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 1001 | 770 | 2001 | 385 |
| 1002 | 340 | 2002 | 170 |
| 1003 | 530 | 2003 | 265 |
| 1004 | 770 | 2004 | 385 |
| 1005 | 160 | 2005 | 80 |
| SUBTOTAL (1) | | (\$ 770.00) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Extra Claims | | | Fee from below | Fee Paid | | |
|--------------|--------------------|--------------|--------|----|----------------|----------|---|--------|
| | | 31 | -20**= | 11 | X | 18 | = | 198.00 |
| 2 | - 3**= | 0 | X | | | | = | |

Multiple Dependent

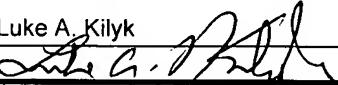
| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|--------------|--------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 1202 | 18 | 2202 | 9 |
| 1201 | 86 | 2201 | 43 |
| 1203 | 290 | 2203 | 145 |
| 1204 | 86 | 2204 | 43 |
| 1205 | 18 | 2205 | 9 |
| SUBTOTAL (2) | | (\$ 198.00) | |

** or number previously paid, if greater; For Reissues, see above

| 3. ADDITIONAL FEES | Fee Description | Fee Paid | | |
|-----------------------------------|-----------------|--------------------|--------|--|
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | | |
| 1051 | 130 | 2051 | 65 | Surcharge – late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge – late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month |
| 1401 | 330 | 2401 | 165 | Notice of Appeal |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal |
| 1403 | 290 | 2403 | 145 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable |
| 1453 | 1,330 | 2453 | 665 | Petition to revive – unintentional |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) |
| 1502 | 480 | 2502 | 240 | Design issue fee |
| 1503 | 640 | 2503 | 320 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |
| Other fee (specify) | | | | |
| *Reduced by Basic Filing Fee Paid | | | | |
| SUBTOTAL (3) | | (\$ 130.00) | | |

SUBMITTED BY

Complete if applicable

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Luke A. Kilyk | Registration No. (Attorney/Agent) | 33,251 | Telephone | 540-428-1701 |
| Signature |  | | | Date | February 19, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Date: February 19, 2004 Label No. EV147719058US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater
Name (Print)



Date: February 19, 2004 Label No. EV147719058US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater
Name (Print)

D.S. Prater

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GUESS, Roy E.) Examiner: Unassigned
)
Application No.: Unassigned) Group Art Unit: Unassigned
)
Filed: February 19, 2004) Confirmation No.: Unassigned
)
Docket No.: 3620-071-01) Customer No.: 33432
)
For: CARPET USING UNUSED YARN

PETITION UNDER 37 C.F.R. § 1.84(a)(2)

02/25/2004 YPOLITE1 00000077 10782631

03 FC:1460

130.00 OP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 19, 2004

Sir:

Applicant, by way of this petition requests that the United States Patent and Trademark Office accept the color drawings accompanying the above-described utility patent application filed on the same date as this petition. The color drawings are necessary because these drawings are the only practical medium by which to disclose certain aspects of the subject matter sought to be patented in the above-described utility patent application. In more detail, Figures 1A and 1B set forth a Munsell Hue Circle with Value Scale and Mannington Yarn Color Categories which are depicted in color due to the fact that each color denotes certain color category present in the carpet of the claimed invention. Since there is no practical way to convert these color drawings to black and white drawings, color drawings are the only practical medium by which to disclose this subject matter which relates to the present application since the present invention involves using this data in certain embodiments of the present invention.

Accordingly, the United States Patent and Trademark Office is respectfully requested to grant this petition. The U.S. Patent and Trademark Office is authorized to charge payment of the \$130.00 fee as set forth in 37 C.F.R. § 1.17(h) to Deposit Account No. 50-0925. Furthermore, three (3) sets of the color drawings which form part of the above-described application and a black and

Petition Under 37 C.F.R. § 1.84(a)(2)

white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing are attached to this petition. Finally, the specification already includes the necessary language under the section entitled "Brief Description of the Drawings" as required under 37 C.F.R. § 1.84(a)(2)(iv).

Accordingly, all requirements have been satisfied and the petition should be granted. Applicants would appreciate receiving notification of the granting of this petition.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 3620-071-01
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